



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Sixteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3706 of 2022

1 P.K.RAJA [PETITIONERS/ ACCUSED]
2 P.RAGHU
3 R.SHANTHI

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CHINNASALEM POLICE STATION,
KALLAKURICHI DISTRICT.
(CRIME NO.45/2022)

For Petitioner : M/S. D.VIJAYA BABU Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.45 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was doing vegetarian hotel business in the premises of the first petitioner. Previous to occurrence the defacto complainant informed the petitioner that he is going to vacate the premises and asked to refund the advance amount of Rs.2,00,000/-. In respect of the same, when the defacto complainant came to the first petitioner's house on 01.02.2022 at around 9.00 p.m., the petitioners threatened and also attacked the defacto complainant, also he attacked the defacto complainant's son by using hands and iron rod. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the person who



sustained injuries in the alleged occurrence has been discharged from the hospital. Hence, he prays for Anticipatory Bail to the petitioners.

4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the person who sustained injuries in the alleged occurrence has been discharged from the hospital. He further submit that there is no previous case pending against the petitioners and also submitted that the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioners.

5.The submissions made by the learned counsel on either side are considered.

6.The respondent police registered a case against the petitioners for the offences punishable under Sections 294(b), 323, 324 and 506 (ii) of IPC and as of now, the person who sustained injury, after completing the treatment, discharged from the hospital. Therefore, considering the fact that the offence committed by the petitioners are not severe and that the injured person had been discharged from the hospital, custodial interrogation of the petitioners may not be necessary for completing investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

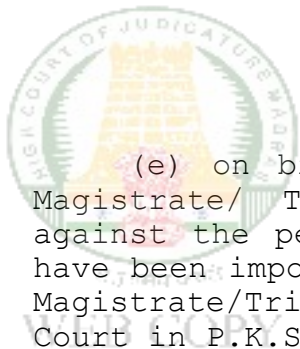
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Kallakurichi District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), (each) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.00 a.m. for a period of 15 days and thereafter, as and when required for investigation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, KALLAKURICHI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHINNASEM POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. D.VIJAYA BABU Advocate on payment of necessary charges SR.No.2382

CRL OP.3706/2022

Date :16/02/2022

CSK 22/02/2022